

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

Mackenzie Lee Gorrell,

Plaintiff,

v.

John Doe,

Defendant.

Case No. 1:23cv428

Judge Michael R. Barrett

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on June 12, 2024. (Doc. 10). Proper notice was given to Plaintiff (who proceeds *pro se*) under 28 U.S.C. 636(b)(1)(C) and Fed. R. Civ. P. 72(b), including notice that he may forfeit rights on appeal if he failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); see *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019). No objections to the R&R (Doc. 10) were filed and the time to do so has passed.

The R&R (Doc. 10) of the Magistrate Judge is hereby **ACCEPTED** and **ADOPTED**. Consistent with the recommendation by the Magistrate Judge and pursuant to Fed. R. Civ. P. 41(b), this civil action is **DISMISSED** without prejudice for failure to prosecute. In addition, the Court certifies (pursuant to 28 U.S.C. § 1915(a)(3)) that an appeal of this Order would not be taken in good faith and thus **DENIES** Plaintiff leave to appeal *in forma pauperis*.¹ This matter is now **CLOSED** and **TERMINATED** from the active docket of this Court.

IT IS SO ORDERED.

/s/ Michael R. Barrett
JUDGE MICHAEL R. BARRETT

¹ See *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).